

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

Bail Appl..No. 3360 of 2007()

C.R.NO.28/05 OF EXCISE RANGE OFFICE, CALICUT

PETITIONER/ : 2ND ACCUSED;

PRATHAP KUMAR S/O.KALYANI.M.K.,
AGED 22 YEARS, SURAJ, H.NO.33/5420,
NADUKKANDY, CHEVAYOOR.P.O.,
KOZHIKODE-17.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENTS:

THE RANGE OFFICER, EXCISE RANGE OFFICE,
CALICUT, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 3360 OF 2007
.....

Dated this the 14th day of June, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 2nd accused in C.R. No.28/2005 of Excise Range Office, Calicut for an offence punishable under section 55(a) of the Abkari Act for allegedly having been found in possession of 9 litres of IMFL in 12 bottles on 16.11.2005, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same day on which it is filed bearing in mind the decisions in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22], ***Mohanan Vs. State of Kerala*** [2007 (1) KHC 752], ***Surendran Vs. State of Kerala*** [2004 (1) KLT 404], ***Jose @ Babu Vs. State of Kerala*** [2007 (1) KLD Cri 469] and ***Sabu Vs. State of Kerala*** [2003 (2) KLT 173].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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